

REMARKS

The Final Office Action mailed April 6, 2006 has been received and reviewed. Claims 1-22 are currently pending in the application. Claims 6-22 are withdrawn from consideration. Claims 1-5 stand rejected. Claim 1 is amended herein. Support for the amendments to claim 1 may be found in the application as published at paragraphs [0042] and [0049].

Amendments have been made without prejudice or disclaimer. No new matter has been added. Reconsideration is respectfully requested.

Claim Rejections—35 U.S.C. § 103

Claims 1-5 are rejected under 35 U.S.C. 103(a) as assertedly being unpatentable over Lunardi-Iskandar *et al.* (U.S. Patent 5,677,275) (hereinafter “Lunardi-Iskandar”) in view of Matsushima *et al.* (U.S. Patent 5,981,486) (hereinafter “Matsushima”).

To establish and maintain a *prima facie* case of obviousness under 35 U.S.C. § 103, M.P.E.P. § 706.02(j) states that the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Claim 1, recites, in part, a method for obtaining information about the capacity or tendency of an oligopeptide of at most 9 amino acids long to regulate expression of a gene.

It is respectfully submitted that Lunardi-Iskandar and Matsushima, alone or in combination, do not teach or suggest all the elements of claim 1, as amended, or those claims dependent therefrom. Namely, the cited references do not teach or suggest contacting an oligopeptide of at most 9 amino acids long with one or more cells and determining the presence of a NF-kappaB/Rel protein in or derived from the cell(s).

For the foregoing reasons, a *prima facie* case of obviousness has not been established for independent claim 1 and dependent claims 2-5. Accordingly, the withdrawal of the 35 U.S.C. 103(a) rejections of claims 1-5 is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, the applicants submit that the claims define patentable subject matter and a notice of allowance is requested. Should questions exist after consideration of the foregoing, the Office is kindly requested to contact the applicants' attorney at the address or telephone number given herein.

Respectfully submitted,



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